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MICHIGAN SENATE
WAYNE KUIPERS
STATE SENATOR

COMMITTEES:
EDUCATION, CHAIR
JUDICIARY, CHAIR
ADMINISTRATIVE RULES
ENERGY POLICY
GOVERNMENT OPERATIONS

Minutes Of February 12, 2008

A meeting of the Senate Committee on Judiciary was held on Tuesday, February 12, 2008, in room 210, Farnum Building, 125 W. Allegan Street, Lansing, MI 48933.

- Senator Kuipers called the meeting to order at 1:05 P.M. The roll of the Committee was called by the Committee Clerk.

Senator Kuipers – Present
Senator Cropsey – Present
Senator Sanborn – Excused
Senator Patterson – Present
Senator Whitmer – Present
Senator Clarke – Present
Senator Prusi – Present

Agenda

- Approve minutes from February 5, 2008.
Motion by Senator Patterson to approve the minutes from February 5, 2008, was supported by Senator Whitmer.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – Yes
Senator Prusi – Excused

- Senator Kuipers opens up testimony on Senate Bills 660 and 661.
 1. Sen. Mark Jansen, the sponsor of the bills, explained the contents of Senate Bills 660 and 661.
 2. Officer Karen Reynolds and Detective Jim Bivins, representing Wyoming Police Department and guests of Senator Jansen, support the bills and believe they provide a good start for dealing with gang issues.
 3. Mr. Tim McMorrow, representing Kent County Prosecutors Office, supports the bills and believes that recruitment is a growing problem. These bills address the problems of encouraging people to join a gang and discouraging people to leave a gang.
 4. Battle Creek Police Chief David Headings, representing Fight Crime: Invest In Kids, is neutral on the bills and submitted written testimony.
 5. Mr. Jim Gonzales, representing Wayne County Prosecutors Office, supports the bills and believes it would be an effective tool to combat the gang issues in his community.
 6. Ms. Jean M. Doss, representing Families Against Mandatory Minimums, is neutral on the bills and submitted written testimony.
 7. Ms. Margaret Raben, representing Criminal Defense Attorneys of Michigan, did not wish to speak, but is neutral on Senate Bill 660.
 8. Ms. Shelli Weisberg, representing American Civil Liberties Union (ACLU), did not wish to speak, but is neutral on the bills.
 9. Mr. Bryan L. Crenshaw, representing Michigan Department of Corrections, did not wish to speak, but is neutral on the bills.
- Motion by Senator Patterson to adopt the S-3 version of Senate Bill 660, supported by Senator Whitmer.

A record roll call was ordered as follows:

Senator Kuipers – Yes
 Senator Cropsey – Yes
 Senator Sanborn – Excused
 Senator Patterson – Yes
 Senator Whitmer – Yes
 Senator Clarke – Yes
 Senator Prusi – Yes

- Motion by Senator Patterson to report the S-3 substitute to Senate Bill 660 with favorable recommendation for passage and immediate effect, supported by Senator Whitmer.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – Yes
Senator Prusi – Yes

- Motion by Senator Patterson to adopt the S-1 version of Senate Bill 661, supported by Senator Whitmer.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – Yes
Senator Prusi – Yes

- Motion by Senator Patterson to report the S-1 substitute to Senate Bill 661 with favorable recommendation for passage and immediate effect, supported by Senator Whitmer.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – Yes
Senator Prusi – Yes

- Senator Kuipers opens up testimony on Senate Bills 291 and 292.
 1. Sen. Roger Kahn, the sponsor of the bills, explained the contents of Senate Bills 291 and 292.
 2. Judge Patrick Meter, Michigan Court of Appeals, representing Michigan Judges Association, supports the bills and gave anecdotal evidence from

Saginaw as to why this legislation is needed. Additional documents were provided to the committee.

3. Chief Gerald Cliff, Saginaw Police Department, and Sergeant Terry Carpenter, Saginaw County Safe Streets Task Force, support the bills and believe they provide a good start for dealing with gang issues.
 4. Battle Creek Police Chief David Headings, representing Fight Crime: Invest In Kids, is neutral on the bills and submitted written testimony.
 5. Mr. Jim Gonzales, representing Wayne County Prosecutors Office, supports the bills and gave previous testimony to the committee.
 6. Ms. Jean M. Doss, representing Families Against Mandatory Minimums, is neutral on the bills and submitted written testimony.
 7. Ms. Margaret Raben, representing Criminal Defense Attorneys of Michigan, did not wish to speak, but opposes Senate Bill 291.
 8. Mr. Bryan L. Crenshaw, representing Michigan Department of Corrections, did not wish to speak, but is neutral on the bills.
- Motion by Senator Patterson to adopt the S-2 version of Senate Bill 291, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – Yes
Senator Prusi – Yes

- Senator Clarke offers an amendment to page 2, line 13, after “and” by striking “shall” and inserting “may”.
- Motion by Senator Whitmer to adopt the first Clarke amendment, supported by Senator Prusi.

A record roll call was ordered as follows:

Senator Kuipers – No
Senator Cropsey – No
Senator Sanborn – Excused
Senator Patterson – No
Senator Whitmer – Yes
Senator Clarke – Yes

Senator Prusi – Yes

- The first Clarke amendment was not adopted.
- Motion by Senator Cropsey to report the S-2 substitute to Senate Bill 291 with favorable recommendation for passage and immediate effect, supported by Senator Patterson.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – No
Senator Prusi – Yes

- Motion by Senator Cropsey to adopt Senate Bill 292 with favorable recommendation for passage and immediate effect, supported by Senator Patterson.

A record roll call was ordered as follows:

Senator Kuipers – Yes
Senator Cropsey – Yes
Senator Sanborn – Excused
Senator Patterson – Yes
Senator Whitmer – Yes
Senator Clarke – Yes
Senator Prusi – Yes

- Senator Kuipers opens up testimony on House Bills 4167 and 4168.
 1. Rep. Brenda Clack, the sponsor of the bills, explained the contents of House Bills 4167 and 4168. Additional documents were provided to the committee.
 2. Mr. David Leyton, Genessee County Prosecutor, supports the bills and gave anecdotal evidence from Flint as to why this legislation is needed. Drive by shootings are used to intimidate people, neighborhoods, and communities.
 3. Sgt. Matt Bolger, representing Michigan State Police, did not wish to speak, but supports the bills.
 4. Mr. David Felbeck, representing MCRGO, submitted written testimony.

- Senator Kuipers opens up testimony on Senate Bill 1059.
 1. Sen. Alan Cropsey, the sponsor of the bill, explained the contents of Senate Bill 1059.
 2. Mr. Tom Linck, a citizen and retired judge from Muskegon, supports the bills and believes it will stop the practice of “judge shopping.”
 3. Mr. Ed Rivet, representing Right to Life of Michigan, did not speak, but supports the bill.
 4. Ms. Shelli Weisberg, representing American Civil Liberties Union (ACLU), did not speak, but opposes the bill and submitted written testimony.
 5. Mr. William J. O’Neil, Former State Representative, supports the bill and submitted written testimony
 6. Mr. David Kallman, a citizen, did not speak, but opposes the bill.
 7. Ms. Sarah Scranton, representing Planned Parenthood, did not speak, but opposes the bill.
 8. Mr. Paul Stankewitz, representing Michigan Catholic Conference, did not wish to speak, but supports the bill.
 9. Mr. Dan Jarvis, representing Michigan Family Forum, did not wish to speak, but supports the bill.
 10. Ms. Amy Hawkins, representing Citizens for Traditional Values, supports the bill and submitted written testimony.
 11. Ms. Mary Pollock, representing Michigan National Organization for Women, did not wish to speak, but opposes the bill.
- Senator Kuipers adjourned the meeting at 2:35 P.M.

Respectfully Submitted,

Mark Brieve, Clerk

Wayne Kuipers, Chair

Date Approved